

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Ivan Guerrero-Melchor,

No. CR-06-1143-PHX-ROS
No. CV-11-1169-PHX-ROS

Petitioner,

United States of America,

On September 27, 2011, United States Magistrate Judge Duncan issued a Report and Recommendation. (Doc. 6). Plaintiff has not objected to the Report and Recommendation.

1 **IT IS ORDERED** the Report and Recommendation (**Doc. 6**) is **ADOPTED**.

2 **IT IS ORDERED** Petitioner's motion to vacate, set aside or correct sentence (**Doc.**
3 **1**) is **DENIED**. The case is dismissed with prejudice.

4 **IT IS ORDERED** a Certificate of Appealability and leave to proceed *in forma*
5 *pauperis* on appeal is denied because the denial of the motion is justified by a plain
6 procedural bar and jurists of reason would not find the ruling debatable, and because
7 Petitioner has not made a substantial showing of the denial of a constitutional right.

8 DATED this 2nd day of November, 2011.

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28



Roslyn O. Silver
Chief United States District Judge